

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KYLE PETERSEN,

Plaintiff,

v.

ANTHONY SIMS, JR.

Defendant.

1:20-cv-00884-DAD-EPG

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(ECF No. 7)

and

ORDER DIRECTING UNITED STATES
PENITENTIARY LOMPOC TO FORWARD
PAYMENT OF INMATE FILING FEE

Plaintiff is a prisoner proceeding *pro se* pursuant to 42 U.S.C. § 1983. On July 6, 2020, the Court ordered Plaintiff to pay the \$400 filing fee or submit a completed application to proceed *in forma pauperis*. On July 27, 2020, Plaintiff filed a declaration in support of a request to proceed *in forma pauperis*. (ECF No. 7). The Court treats this declaration as a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted.

Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to the plaintiff's trust account. The Warden of United

1 States Penitentiary Lompoc (or his or her designee) is required to send to the Clerk of the Court
2 payments from the plaintiff's account each time the amount in the account exceeds \$10.00, until
3 the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

4 In accordance with the above and good cause appearing therefore, IT IS HEREBY
5 ORDERED that:

6 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;

7 2. The Warden of United States Penitentiary Lompoc (or his or her designee) shall
8 collect payments from the plaintiff's jail trust account in an amount equal to twenty per
9 cent (20%) of the preceding month's income credited to the plaintiff's trust account and
10 shall forward those payments to the Clerk of the Court each time the amount in the
11 account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of
12 \$350.00 has been collected and forwarded to the Clerk of the Court. The payments shall
13 be clearly identified by the name and number assigned to this action.

14 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
15 plaintiff's *in forma pauperis* application on the Warden of United States Penitentiary
16 Lompoc, via the court's electronic case filing system (CM/ECF) or via mail at 3901 Klein
17 Blvd., Lompoc, CA 93436.

18 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
19 Department, U.S. District Court, Eastern District of California, Sacramento Division.

20 IT IS SO ORDERED.

21
22 Dated: July 29, 2020

23 /s/ Eric P. Shoup
24 UNITED STATES MAGISTRATE JUDGE
25
26
27
28